Prevous

App F IX 4

1928

File No 263 28

Previous References
Jnl 263-28 Sel 1-2

Serial Nos. 3, 4 5 6 7+9

Later References

General and Revenue Secretariat.

Serial Nos 6

Part B for August 1929

SUBJECT

Petition from messrs S Sorappa & h P Lokenna-basavanya, Sirsa Town protesting against the change of place of the Shandy mandan at the place

No orders

GWN 24/10/29

	Serial No.	
P W D I	3	Petn dated 12/8/29 from messrs S Sarada and K P Chanmabasavaya, Sira town protesting against the change of place of the Shanivar maidan at the place Letter no A3 1929-30 dated 10/8/29 from the Deputy Commr Tumkur Dist on the same subject and stating that he rejected the petn presented by the gentlemen in question, as there were no reasons to reconsider the decision arrived at after mature consideration Secy's orders on P W D I L S & G Stay order is prayed for, Dep. Comm's letter is also received in this Connection Dtd D.O. 12/8 Secy's orders on P W D II Submit with references today Dtd P.D. 12/8 The proposal of the Sira town council in the matter of the shifting the Shanwar from its place to that selected by the Members, was sanctioned in Govt no L 7086-7 Mis 263-28-2 dated [illegible] The reasons set forth by the petn for a reconsideration of the order are :— that the present resolution to shift the place to another locality, not as originally resolved was taken in the [illegible] meeting held on 17/9/2
P W D II		

Serial No

on which date the subject was not on the agenda and the original resolution was not brought to the notice of the Chairman nor were the Engineers who prepared the plan were appraised of the fact

2) That the Pramukh did not convene a special meeting as requested by some of the members, as resolved by him on 15-7-29

3) The second resolution of the Board is illegal and ultra vires

4) The place to which the shanty has now been ordered to be shifted is very inconvenient as there is no water for cattle to drink and shade for protection

5) No improvements have been made to the shanty grounds as suggested by the Sanitary Engineer

6) The land chosen is a temple ground on which no improvement could be effected

As regards point one, the original resolution referred to therein is cannot be made out in the absence of connected records there was an objection taken received in the connection, signed by some of the members also the same was considered before passing final order. The Pramukh's report dated revealed that there were faults both for & against and explained the necessity for shifting the shanty to another place.

the Sanitary Engineer to the Board

WD 01[illegible]—GPB—30,000—29-4-29

Serial No

were agreeable to the proposal and observed that it was inexpedient to have the shamoy in the heart of the town, particularly when the persons resorting to it came from infected places

The Board have resolved to [illegible] the place, which is a private holding on a lease at a rent of Rs 50 per annum, for a period of 6 years and the same has been approved

The petitioners pray for a stay order and that orders may be issued to the Government to convene a special meeting as required before taking final action

Submitted for orders thereon order dated [illegible] 6/8/29 has not yet been received [illegible] under sec 40(2) of the Act the Board are competent to enter into a lease for a term not exceeding seven years. The selection of a site for the shamoy is at the discretion of the Board and Govt have not reserved any powers under the Act to entertain appeals against the decision of Boards in such matters. [illegible]

83 — 85

17/8/29 The transfer of the shamoy to the new place has been ordered on the advice of the Town Planning Officer, Sanitary Officer & the Engineer. The question of

WD 01684—HPR—30,000—20-4-29

Serial No

Cancellation of the order seems the next question. The D.C. has duly passed orders on the complaint preferred to them and has rejected the same on the ground that there are no grounds for reconsideration passed after due consideration.

As regards the prosecution in the Munsif's Court, it is now too late to consider this and the D.C.'s order does not bar the complainant's case of recovering the same by the Council as they feared overwhelming majority on the opposite side (vide para 4 of the D.C.'s order).

The D.C. has stated that Mr. Khan has taken steps (para 3 of his order). The complaint is that the protection from Land Revenue & Irrigation Department applied by the Land Engineer has not been carried out & this may be done before this Stamp is struck. The Tehsildar may have to be enjoined about this & therefore a stay order may be issued for this long date, or the D.C. may be asked to attend to this immediately & the stay order need be passed then.

Sd/ 17/E.

Sd/ 13/8

Sugg. as in A may be adopted

Sd/ 13/8

Secretary

Sd/ 13/8

Secretary

WD 01684—GPB—30 000—20-4 39

693 Rome

App F III—2

File No

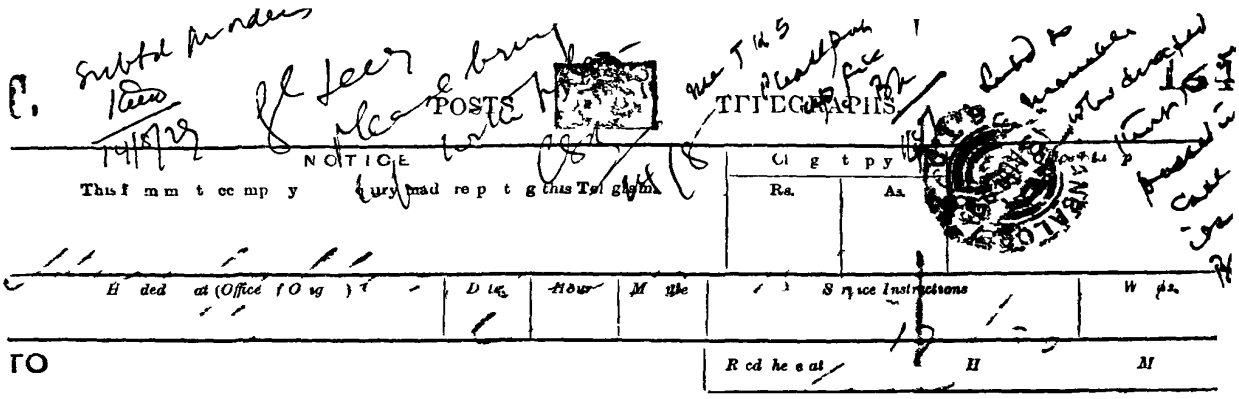
of 192

Serial No.

Submitted with a draft for approval

14/8/29 Telegram from Mr. Rangelyangen rec'd & read to Chairman Members directs that orders passed with Hand Seame draft

14/8



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K mB B P t C l tt —529 (B 107)—21 7 28—1 00 000 Bks

WD 01684—GPB—30 000—20-4 29

L 787 6

App F III—2]

General and Revenue Secretariat — File No 463 of 1928

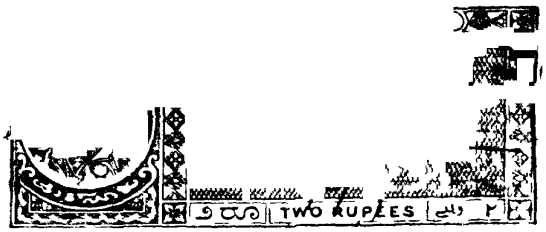
Serial No	
5	Issued vide L 1251 of 15/8/29 to Sardha Raje the petn vide 1252 dt 15/8/29 copy to DC Tanjore re a request to see that the improvements suggested are started to the Shannon marsh may be attended to early
6	Petn dt 15/8/29 from the residents of Pune town against the Bylaws Secd members orders on the Petn 1. send to Govt for a further consideration of the points raised and to give a hearing to the petitioners if the change has not been effected yet the change may be postponed for a few weeks Dated C-S 15/8 L S G draft today Dated 15/8 Submitted with a draft for approval 15/8 15/8 15/8 Issue 15/8 Issued No L 1252 dated 15-8-29 To the DC Tanjore District Forwards in continuation the petition No L 781/29-3 from Mr Sardha and others on the same subject for consideration

Cont. Sheet MAX

WD 01684—GPB—30 000—20-4 29

Serial No	
	trains to the petitioners and fixing a hearing to the petitioners and that the change may be postponed for a few weeks, if the Shandy has not been shifted yet
8	Letter No Pol 2557/29-30 G 16 & 29/from H Dy Comr, Amritsar Dist Forwards a copy of his order of the 6th August 1929 stating that on personal enquiry he is satisfied that the new site is suitable in every way and that it is not necessary to reconsider the position. In this office letter No K/1252/Rl 263-28 of the 15th August 1929 the Dy Comr was asked to give a hearing to the petitioners on the points raised in their petition and that, if the Shandy has not yet been shifted, the change may be postponed for a few weeks The Dy Comr has reported that on enquiry he is satisfied that the new site is in every way suitable ~~and the report is dated the 23/8/29 and was received in this office on the 27th August 1929~~ in reply to this office letter of the 15th Aug 1929. Submitted for personal ~~No~~ further action appears to be now called for 23/8/29 What is now desired is only a copy of the order passed by Mr D.C. in his letter of 10/8/29 on which no further action has been taken.

WD 01664—GPB—30 000—20-4 27



693/1 (1948)
Stay and
prayer for
Case after
decision
Connection

Let us the Government of Mysore hear the Maharaja of Mysore

In the matter of the change of place of Sira Shandy

Petitioners -

1 Sorappa
2 Channabasaviah others

Opponent -

Sira Town Municipal Council

The petitioners beg to state as follows

The Sira Shandy is being held at present in a very convenient place as it was found that this place may be required for an extension, the Sira Municipal Council resolved on 6-6-47 that as the place for Shandy was not spacious the land belonging to Araj Nanjundaiah be acquired No action was taken on that resolution for a long time nor was it sent up to the Government for sanction

The public of Sira and the traders who came for Shandy were taken aback when it was notified that the present Shandy would be shifted to another very inconvenient place

On enquiry they found that the present resolution to shift the place to another locality, not the originally resolved was taken in the Municipal Council meeting held on 1-10-1948, on which date this subject was not on the agenda and the original resolution was not brought to the notice of the

of the Council nor were the Engineers who prepared the plan were apprised of the fact

When the members of the Council were made known of the resolution passed on 6-6-27 they forwarded a resolution to the President of the Sirsi Municipal Council on 15-7-28 requesting him to convene a special meeting for a consideration of the matter

The President of the Municipal Council did not hold the meeting as required by the Statute and the petitioners approached the Deputy Commissioner in the matter who without directing the President to hold the meeting gave a verbal order to shift the Shandy from to-morrow, instead of waiting till the Government passed their order on his observations

The second resolution of the Municipal Council is illegal and 'ultra vires' and even the Government does not seem to have made known of the matter

The place to which the Shandy has now been ordered to be shifted is very inconvenient as there is no water for cattle and men, nor is there shade for protection from rain and sun

The Sanitary Engineer is understood to have ~~xxxxx~~ suggested some improvements before the Shandy is actually shifted and none of these improvements have been made perusal of these records will show what if has done

The land that is now chosen is a Temple Inamti on which no improvement could be effected nor is the contract entered into by the Municipal Council with the alleged owner sanctioned by the Government

Under these circumstances the petitioners pray that the notification now issued for the change be held

be held in abeyance and the Deputy Commissioner be ordered to direct the President of the Sira Municipal Council to convene the Special meeting as required before taking final action

S Somappa

K P Channabasavaraj

OFFICE OF THE DEPUTY COMMISSIONER
TUMKUR DISTRICT

No A 3

Enclosures

Dated Tumkur the 10th August 192 9

IMMEDIATE

FROM

G B HEBLIKAR ESQ BA LLB
Deputy Commissioner Tumkur District
Tumkur

To

P Narayanaswamy Iyengar Esquire B A B L
General Secretary to the Govt of H H the
Maharaja of Mysore
Bangalore

SIR

With reference to Government Order No X X of the X April 1929 sanctioning the proposal to shift the Shandy Maidan at Sira I have the honor to state that a few persons -- having raised an objection I inspected the spot on the 5th instant with the Amildar-President and non-official Municipal Councillors and the petitioners and passed an order rejecting the petition Mr Ranganathaiengar on behalf of Mr S Soranna and others having presented an application yesterday praying for a stay order I rejected that petition also as there are no reasons to reconsider the decision arrived at after mature consideration

As the parties are going to approach the Government for a stay order I enclose herein for information of Government X copies of my orders

I have the honor to be

Sir

Your most obedient servant

GB Heblikar

Deputy Commissioner
Tumkur District

My of order dt 6/8/29 will follow
NS
10/8/29
4pm

NS

WD 51f—GPB—50 CCO—4 9 28

192

From

To

Dated

Despatched

Received

General No _____
No

Enclosure No

Office of the Deputy Commissioner,
Tumkur District
Dated, Tumkur, the, 10th Aug: 1929.

READ:--

Petition presented this day by Mr. K. Ranga Iyengar, B A., LL B , Advocate, on behalf of Mr. S Sorappa and others praying that the Shandy Maidan at Sira may not be shifted from its present place as per this office order dated 6-8-1929.

O r d e r.

The petitioners ask me to revise my order in Pet. No. 178 of 1928-29 dated 6th August 1929, which was passed after inspection of the spot in the presence of the petitioners and others and hearing all the parties concerned, after due and sufficient notice.

2) I shall now consider the grounds put forward by the petitioners for reconsidering my order

3) The first ground urged is that the place is very inconvenient as there are no conveniences and facilities in the new place ". Nothing can be farther from truth . The new place is within two furlongs of the old place, is on the - Bangalore - Poona road, has as stated in my order under - advertance better water facilities and is very near part of the town. The agitation to shift the Shandy from its present was started so long ago as in 1907 and has been under correspondence all this time. It is never seriously denied that the present shandy place is a menace to the public health of the town. About 500 carts assemble at the place and the -

the garbage that they leave behind is some thing awful. From a sanitary point of view it is highly objectionable to hold the Shandy in a place surrounded by residential quarters and official buildings. Ordinarily shandies are held outside the towns I do not see why Sira should be an exception to the rule

4) It is stated that the President did not convene a - - special meeting of the Municipal Council to re-consider the subject. This is a new ground. From what the first petitioner and his partizans said at the time of my inspection I understood them to imply that there was no use in bringing the matter again before the Council as only seven Councillors were in favour of status quo ante and the others with the official - members who would be bound to up-hold the view of the Sanitary Commissioner and Engineer would sweep the boards. Personally I do not see the use of bringing the matter again before the - Municipal Council as it has already expressed its opinion and accepting the proposals of the Sanitary Commissioner and Town Planning Engineer and recommended Govt: that the shandy should be shifted to the new place

5) The third statement of the petitioners is inconsistent with that made in para 5 of their petition. In para 3 they state that the Municipal Council resolved that the Shandy should be held in the land belonging to the temple of Sree Narayanaswami while in para 5 they contend that the resolution passed by the Council to hold the Shandy at the new place is illegal.

6) The fourth objection is that the people adversely affected were not consulted nor a notice calling for objections published. This statement cannot be passed un-challanged These persons were consulted over and over again the matter being under considera tion for over two decades. The change was decided upon by the

NS
11/8/09

the Council after the place was inspected and detailed plans and estimates were prepared by the Town Planning Engineer and approved by the Sanitary Commissioner I was with the latter officer when he visited the place and fully concurred with his views As stated at the out-set I heard the petitioners and others and saw no reason to differ from the decision already arrived at, which has further the approval of the Covernment

7. The petitioners allege that the Municipal Council is illegal for certain flaws I do not see how it will help the petitioners as the majority is against them Even if the matter is brought before the Council it is likely to reaffirm its former resolution From what I know of the situation I do not think that there is any legal flaw in the resolution I wanted to hear both sides on the 12th instant and give my decision but as Mr K Ranga Iyengar who appears for the petitioners wanted that I should pass orders or make a reference to Govt; to-day only, I am unable to give any definite opinion in the matter It is not clear why the petitioners have kept quiet so long The Municipal Council passed the resolution in October 1928 and the objection comes now

8 Mr Ranga Iyengar moved that I should issue a stay order I declined to do so because the Govt order approving of the - shifting of the Shandy was given wide publicity long ago (and was if I remember right published in the Gazette also) and there is no likelihood of the Shandy being retained in its old place. I quite understand that the petitioners who have built Landies near the old shandy place will suffer monetarily by the change But the interests of the Municipality and the towns-people cannot be sacrificed for the benefit ~~and~~ of a few Mandi merchants and - brokers The Municipality has already marked out the old shandy place for an extension and hopes to make a substantial profit o th sale of the sites

). Mr Ranga Iyengar requested me to refer the matter myself to Govt; But on going through the records I see that there is nothing for me to address the Govt about A copy of this order will however be submitted to Govt; for their information

10/8/1909
Tumkur

A.Y.G.B Hebbikar
Deputy Commissioner,
Tumkur District

"Copy"
N.Seshasastry
Dt: Sheristedar
Dy. Commrs Office
Tumkur
4 P M
11.8.1909

Appendix F G—1

SU[redacted]T

Diary No of letter replied to 6873/Kdy

General and Revenue Secretariat

( )

the 192

Date of issue 15-8-29

Signed by Mr T K S Dyn

List of enclosures

Copied by

Examined by

Section WL

File No 263-28

Serial No 5

~~No~~ L 1231

Endorsement

~~To~~

Granted to Messrs Sorath Dharmabasavanya Tolkien of Seremban

In reply to their letter dated 12/8/29 protesting against the change of the place of the Shaivy marriage, the petitioners are informed that their petition is rejected

No

Sd

for General Secretary to Government

Memo:- L 12832 dated 15-8-29 forwarding the above is

over

WD 0399—GPB— 0 000—18 9 28

16

forwarded with compliments to
the Dy Commr Amritsar District
with reference to his letter no A-3
1929-30 dated 10/8/29 with a request
to see that the improvement suggested
by the Sanj Engineer, to the proposed
tramway may be effected early

By.
for General Secy to Govt

L 694

19

K Ranga Iyengar

Petition regarding Sira Shandy rejected

Gensec

Sd/- T A Someswara Iyer
Assistant Secretary to Government

" Copy of the Telegram sent
14/8
14/8/29

No Per-255/29-30

Enclosures nil

OFFICE OF THE DEPUTY COMMISSIONER
TUMKUR DISTRICT

Dated Tumkur the 16th Aug 192

M 263-28-8

GEN & REV SECTT 849
17 AUG 1929
L & C BRANCH

FROM

G B HEBLIKAR Esq BA LL B
Deputy Commissioner Tumkur District
Tumkur

TO

General Secretary to the Govt of H H the
Maharaja of Mysore
Bangalore

SIR

L 693
14/8

16/8/29

WD 54€—GPB—50 CCO—4 9 28

192

From

To

Dated

Despatched

Received

General No _____
No

Enclosure No

22

In the Court of the Deputy Commissioner

Tumkur District

Dated Tumkur the 6th August 1929

Petition of 170/29-30

Petitioners - 1 Mr Mallesiah Merchant Sira
2 " Doddagunni Siddaiah Sira
3 " Dandali Chendriah Sira
4 " Patel Sannadhar Sira
5 " Iranjaniah Merchant Sira

O r d e r

I inspected the new and the old shandy sites at Sira this morning and heard the persons who object to the shifting of the Shandy from the old to the new site which has been approved by the Govt on the recommendation of the Sanitary Commissioner - Sanitary Engineer and myself in Govt Order No L 7886-7/11 263-28-2 dated 29th May 1929 Even now, the objectors told me that only seven (out of 16) Municipal Councillors are not in favour of shifting the site In other words, the majority of the Council are in favour of the new site The Municipal Council have resolved that the shandy should be shifted to the place selected by the Sanitary Department as it will release most central shandy site for an extension which is badly wanted by the town people No other site is so convenient for the extension

2) Another and stronger reason in favour of the change is the removal of the foul and contagious diseases spreading in the town by the people attending the shandy

3) A third point in favour of the change is the fact that there are five wells including two stone wells in the vicinity of the new site

4) It was contended on behalf of the objectors that the cattle are all in the vicinity of the present shandy place and it will be very inconvenient to the cattle owners It is stated on the other hand that the cattle only seven or eight

handy stores, that it will be for the benefit of the people to have if these are shifted from the present vicinity of the new Sunday ground, that buyers will not be put to any appreciable inconvenience by having to go a furlong or two more and that it will be hard upon the town people if they are to be denied a good and convenient extension and are to be exposed to fear of infection for the sake of a handful of small merchants

5 It was also contended that the outsiders/ traders are in favour of the old site It was pointed out by the other party that the agitation was engineered by the few interested persons above referred to and that they are prepared to resort to similar tactics and produce a petition signed by many persons in favour of the new site

6 The objectors are unable to point out to me equally suitable place or extension The municipality will realise 6000 to 10 000/- by the sale of the Sunday site as house sites according to the plan returned by Mr Parker

7 The advantage in favour of the present site is that it is capable of extension and is not far from the town and useful land

8 For the above reasons, I am fully satisfied that the new site is suitable in every way and that it is not at all necessary to re-consider the position I have asked the Land Development of the municipality to start the new place from next week onwards

(S. C. Seshadri)
Deputy Commissioner, Bellary

-- 0 --

COPY

(Signature)

for Deputy Commissioner
Bellary District

16/8/44